

House joint resolution No. 4, proposing to amend section 51, article 3 of the Constitution of the State of Texas, authorizing the establishment and maintenance of a home for indigent and disabled Confederate soldiers and sailors, on third reading.

Senator Imboden moved to reconsider the vote by which Senate bill No 259 was passed and to have that motion spread upon the journal.

On motion of Senator Yoakum, the Senate adjourned until 10 a. m. tomorrow by the following vote:

## YEAS—16.

Agnew,	Greer,
Atlee,	Lawhon,
Boren,	Lewis,
Bowser,	McKinney,
Browning,	Shelburne,
Cranford,	Simpson,
Dickson,	Steele,
Douglass,	Yoakum.

## NAYS—7.

Dean,	Presler,
Imboden,	Swayne,
Jester,	Woods.
Kearby,	

## ABSENT—2.

Crowley,	Smith.
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## EXCUSED—6.

Baldwin,	McComb,
Goss,	Tips,
Hutchison,	Whitaker.

## SEVENTY-THIRD DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, April 5, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

## PRESENT—28.

Agnew,	Kearby,
Atlee,	Lawhon,
Boren,	Lewis,
Bowser,	McComb,
Browning,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Greer,	Swayne,
Hutchison,	Tips,
Imboden,	Woods,
Jester,	Yoakum.

## EXCUSED—3.

Baldwin,	Whitaker.
Goss,	

Prayer by the chaplain, Dr. Briggs, as follows:

Our Father, once more we seek Thy presence that for this day according to the necessity of each some good gift may be received from above. May we go forth clothed with a strength and wisdom that shall be at once the illumination of each mind and the inspiration of each will. Grant to each of us guidance for to-day's perplexity, support for to-day's burden-bearing and release from the difficulty of the immediate time. May Thy presence be to us a daily protection and a perpetual inspiration. Teach us, above all things, to be faithful—faithful in bright or dark, faithful in great and small, faithful unto death that we may receive from Thy hands a crown of life. We ask for Thy name's sake. Amen.

Pending the reading of the journal the further reading of same was, on motion of Senator McKinney, suspended.

## HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, April 5, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate

That the House has adopted the report of the conference committee on substitute Senate bill No. 191.

Respectfully,

GEO. W. FINGER,  
Chief Clerk House of Representatives.

## COMMITTEE REPORTS.

COMMITTEE ROOM,  
AUSTIN, TEXAS, April 5, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 244, entitled "An act to amend articles 1471, 1472, 1473 and 1474 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

CRANFORD, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, April 5, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate concurrent resolution No. 17, Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

CRANFORD, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, April 5, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

House bill No. 682, being "An act to authorize and create a more efficient system of public roads and bridges for Cameron, Harris, Fayette, Dallas, Brazos, Coryell and Ellis counties, for the issuance of bonds by said counties for the purpose of constructing permanent public roads, and to authorize the investment of the permanent school fund of the State and of said counties in such bonds; to prescribe for and limit the expenditure of the money arising from the sale of such bonds, and to prescribe and define the powers and duties of the commissioners courts in reference thereto,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

BOWSER, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, April 5, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 287, entitled "An act to regulate and control the management and operation of railroad properties in the State of Texas, and to provide a forfeiture for the violation thereof,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

SWAYNE, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, April 5, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate concurrent resolution No. 16, instructing the Governor of Texas to communicate with the Governors of the States of North and South Dakota, Minnesota, Iowa, Kansas, Missouri, Arkansas and the Territory of Oklahoma, with a view to assembling a convention of delegates from each of said States and Territory, for the purpose of discussing and maturing ways and means looking to the construction and operation of a railroad by said States and Territory, and Texas,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not pass*.

SWAYNE, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, April 5, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements to whom was referred

"A resolution with reference to the Southern Pacific Railroad company,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*

SWAYNE, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, April 5, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 263, entitled "An act to amend article 1470f title 29, chapter 21, of the Revised Civil Statutes of the State of Texas, as amended by the acts of 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the accompanying substitute *do pass*.

SWAYNE, Chairman.

Substitute Senate bill No. 263, a bill to be entitled an act to amend section 16, chapter 131, acts of the Twentieth Legislature, relating to railroad receiverships, approved April 2, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas that section 16, chapter 131, acts of the Twentieth Legislature, be amended so as to hereafter read as follows:

Sec. 16. No corporation shall be administered in any court for a longer period than three years from the date of appointment of the receiver thereof. Upon the appointment of a receiver the court shall direct him to collect the assets, pay all outstanding claims, and if necessary, sell the franchises and property, and wind up the business of the corporation as soon as practicable, not to exceed three years from the date of his appointment.

Sec. 16a. The near approach of the close of the present session and the fact that there is now no law limiting the period of receiverships create an imperative public necessity, requiring suspension of the constitutional rule requiring bills to be read on three several days, and it is hereby suspended, and that this bill be in force from and after its passage, and it is so enacted.

Call concluded.

Senator Imboden called up the conference committee report on

Substitute Senate bill No. 191 entitled "An act to provide for the re-

tirement of the past due bonds of the State of Texas, for the payment of interest thereon and the issuance of other bonds at a lower rate of interest in lieu thereof" and moved its adoption.

Lost by the following vote:

YEAS—10.

Agnew,	Kearby,
Boren,	Presler,
Bowser,	Smith,
Crowley,	Woods,
Imboden,	Yoakum.

NAYS—18.

Atlee,	Lawhon,
Browning,	Lewis,
Cranford,	McComb,
Dean,	McKinney,
Dickson,	Shelburne,
Douglass,	Simpson,
Greer,	Steele,
Hutchison,	Swayne,
Jester,	Tips.

EXCUSED—3.

Baldwin,	Whitaker.
Goss,	

Senator Jester moved that the House be requested to grant a free conference committee to consider Substitute Senate bill No. 191, and that the Chair appoint a like committee on part of Senate to confer with said House committee.

Carried.

Senator Crowley moved to suspend regular business and take up

House bill No. 675, "An act to validate certain courthouse and bridge bonds of Fort Bend county, and to authorize and empower the commissioners court of said county to issue funding bonds for the purpose of redeeming and paying off said bonds, and to levy a tax to pay the interest on said funding bonds and create a sinking fund to redeem same."

Lost.

#### BILLS ON THIRD READING.

The Chair laid before the Senate,

House bill No. 91, entitled "An act to regulate the sale of spirituous, vinous or malt liquors, or medicated bitters; to fix a tax upon all persons or associations of persons selling such liquors; to define the time and manner of collecting such tax; to fix penalties for the violation of this act, and to repeal all laws and parts of laws in conflict with the provisions of this act."

Bill read third time and passed.

The Chair then laid before the Senate

House bill No. 1, entitled "An act to repeal chapter 100 of the General Laws of Texas, passed by the Twenty-

second Legislature, April 11, 1891, entitled an act to protect stock raisers, farmers and horticulturists, providing for the destruction of wolves and other wild animals, to make an appropriation therefor, and to repeal chapter 119, relating to the same subject, approved April 2, 1887, and to provide for a reward for scalps when ordered by the commissioners court of any county."

Bill read third time.

By Senator Atlee:

Strike out all after section 1.

Adopted by the following vote:

YEAS—22.

Agnew,	McComb,
Atlee,	McKinney,
Boren,	Presler,
Bowser,	Shelburne,
Crowley,	Simpson,
Douglass,	Smith,
Imboden,	Steele,
Jester,	Swayne,
Kearby,	Tips,
Lawhon,	Woods,
Lewis,	Yoakum.

NAYS—5.

Browning,	Greer,
Dean,	Hutchison.
Dickson,	

ABSENT—1.

Cranford.

EXCUSED—4.

Baldwin,	Whitaker.
Goss,	

Bill passed.

Senator Yoakum entered a motion to reconsider the vote by which House bill No. 91 was passed and same was spread on the journal.

Senator Douglass' name being reached he called up

House bill No. 295, entitled "An act to fix the rate of taxation on insurance companies, telephone companies, sleeping and dining car companies and other corporations; to prescribe the time and manner of collecting such taxes; to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict therewith."

Bill read second time with committee amendments.

First committee amendment adopted.

Second committee amendment read.

By Senator Imboden:

On page 7, in line 11, second amendment, strike out the word "gross" and insert the word "net."

Adopted by the following vote:

YEAS—15.

Baldwin,	Kearby,
Bowser,	Lewis,

Cranford,  
Crowley,  
Dean,  
Douglass,  
Greer,  
Imboden,

McComb,  
Presler,  
Shelburne,  
Simpson,  
Tips.

NAYS—13.

Agnew,  
Atlee,  
Boren,  
Browning,  
Dickson,  
Hutchison,  
Jester,

McKinney,  
Smith,  
Steele,  
Swayne,  
Woods,  
Yoakum.

ABSENT—1.

Lawhon.

EXCUSED—2.

Goss,

Whitaker.

By Senator Steele:

Amend the committee amendment by adding after the word "every" in line 6, page 7, the word "life."

Lost by the following vote:

YEAS—10.

Boren,  
Bowser,  
Crowley,  
Douglass,  
Greer,

Hutchison,  
Jester,  
McComb,  
Presler,  
Steele.

NAYS—16.

Agnew,  
Atlee,  
Baldwin,  
Browning,  
Dickson,  
Imboden,  
Kearby,  
Lawhon,

Lewis,  
Shelburne,  
Simpson,  
Smith,  
Swayne,  
Tips,  
Woods,  
Yoakum.

ABSENT—3.

Cranford,  
Dean,

McKinney.

EXCUSED—2.

Goss,

Whitaker.

By Senator Douglass:

Amend the committee amendment by inserting after the word "has" in line 9, page 7, the following words: "each year since the passage of this act."

Adopted by the following vote:

YEAS—15.

Agnew,  
Boren,  
Bowser,  
Browning,  
Crowley,  
Dickson,  
Douglass,  
Imboden,

Jester,  
Kearby,  
McKinney,  
Presler,  
Swayne,  
Tips,  
Woods.

NAYS—12.

Atlee,  
Cranford,  
Greer,

McComb,  
Shelburne,  
Simpson.

Hutchison,  
Lawhon,  
Lewis,

Smith,  
Steele,  
Yoakum.

ABSENT—2.

Dean,

Goss.

EXCUSED—2.

Baldwin,

Whitaker.

The committee amendment (second) as amended, was then lost by the following vote:

YEAS—5.

Agnew,  
Cranford,  
Crowley,

Presler,  
Swayne,

NAYS—23.

Atlee,  
Baldwin,  
Boren,  
Bowser,  
Browning,  
Dickson,  
Douglass,  
Greer,  
Hutchison,  
Imboden,  
Jester,  
Kearby,

Lawhon,  
Lewis,  
McComb,  
McKinney,  
Shelburne,  
Simpson,  
Smith,  
Steele,  
Tips,  
Woods,  
Yoakum.

ABSENT—1.

Dean.

EXCUSED—2.

Goss,

Whitaker.

Pending further action, Senator Baldwin entered a motion to reconsider the vote by which House bill No. 1 was passed, and same was ordered spread on the journal.

Senator Baldwin also entered a motion to reconsider the vote by which Senator Atlee's amendment to House bill No. 1, to-wit: "Strike out all after section 1," was adopted, and same was spread on the journal.

Third committee amendment read, and pending action Senator Simpson moved to adjourn to 10 a. m. to-morrow.

Senator Jester moved as a substitute that the Senate adjourn to 3 p. m. to-day.

Senator Simpson accepted the substitute and the Senate adjourned.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present the following Senators answering to their names:

PRESENT—25.

Agnew,  
Baldwin,

Kearby,  
Lawhon,



Boren,	Lewis,
Browning,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Swayne,
Hutchison,	Tips,
Greer,	Woods,
Imboden,	Yoakum.
Jester,	

ABSENT—4.

Atlee,	McComb,
Bowser,	Smith.

EXCUSED—2.

Goss,	Whitaker.
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On motion of Senator Imboden, the journal of yesterday, page 552, was corrected to show that he voting "nay" on the amendment offered by Senator Tips, to substitute House bill No. 227, was paired with Senator Tips voting "yea."

On motion of Senator Imboden, the journal of yesterday, page 549, was corrected so as to show that House joint resolutions Nos. 21 and 34 were passed by the House, as shown by the message of same to the Senate.

Senator Imboden called up

Substitute Senate bill No. 76, entitled "An act making appropriation for the support of the State government beginning February 28, 1893, and ending February 28, 1895, to cover deficiencies and for other purposes," on second reading.

Senator Douglass moved to suspend pending business and to resume consideration of House bill No. 295.

Carried.

The Chair then laid before the Senate

House bill No. 295, entitled "An act to fix the rate of taxation on insurance companies, telephone companies, sleeping and dining car companies and other corporations; to prescribe the time and manner of collecting such taxes; to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict therewith."

Senator Imboden entered a motion to reconsider the vote by which the second committee amendment was lost, and same was spread on the journal.

Third and fourth committee amendments were read and adopted.

Fifth committee amendment read.

By Senator Tips:

Insert the fifth committee amendment in section 3, page 3, line 20, of the printed bill, after the word "company."

Adopted.

Committee amendment as amended, Adopted.

Sixth committee amendment read.

By Senator Presler:

Amend sixth committee amendment by adding in line 4, and after the word "State," the following: "Shall pay annually to the Secretary of State on or before the first day of May, a franchise tax of \$10;" and by striking out in line 8 the word "ten," and insert in lieu thereof the word "fifty."

By Senator Yoakum:

Substitute:

Amend by striking out "ten" and insert "twenty-five."

Lost.

Senator Presler's amendment was lost.

The sixth committee amendment was then adopted.

Seventh committee amendment read.

By Senator Smith:

Amend committee amendment to section 7, in line 4, by striking out the words "or social."

Lost.

Senator Smith moved to reconsider the vote by which the amendment was lost.

Senator Shelburne moved to table the motion to reconsider.

Tabled by the following vote:

YEAS—18.

Agnew,	Imboden,
Bowser,	Jester,
Browning,	Lawhon,
Cranford,	Lewis,
Crowley,	Presler,
Dean,	Shelburne,
Dickson,	Simpson,
Douglass,	Swayne,
Hutchison,	Tips,

NAYS—8.

Atlee,	Smith,
Boren,	Steele,
Kearby,	Woods,
McKinney,	Yoakum.

ABSENT—3.

Baldwin,	McComb.
Greer,	

EXCUSED—2.

Goss,	Whitaker.
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The seventh committee amendment was then adopted.

Senator Atlee moved to consider the bill by sections.

Adopted.

Section 1 read.

By Senator Bowser:

Amend section 1 by inserting the following after the words "such companies," in line 19, page 2:

(a) That every life insurance company organized under the laws of this State shall have its principal office located in the city or town specified in its charter and within this State.

(b.) That the capital stock of such company shall not be less than \$50,000, in shares of \$50 each, which capital stock may be increased by a vote of two-thirds of the stockholders present, or represented, at any regular meeting called for the purpose.

(c.) That the board of directors of such company shall consist of not less than nine members, a majority of whom shall be bona fide residents of this State, and none of whom shall hold like office in any other life insurance company.

(d.) That the charter for a life insurance company shall be perpetual, and the Legislature reserves the power to revoke or annul any such charter whenever in the opinion of the said Legislature it may be injurious to the citizens of this State, in such manner, however, that no injustice shall be done to the corporators or their successors.

(e.) At the end of each year, or as soon thereafter as possible, the Commissioner of Insurance shall personally, or by his deputy, visit each life insurance company, organized under the laws of this State, and thoroughly inspect and examine its affairs, especially as to its financial condition and ability to fulfill its obligations, and whether it has complied with the laws. Such company examined shall pay the expenses of the Commissioner of Insurance, or his deputy, and the expenses and compensation of his assistants employed therein.

(f.) When a policy is effected by any person on his or her own life, or on the life of another, expressed to be for the benefit of such other or his or her representatives, or a third person, the person for whose benefit it was made shall be entitled thereto against the creditors and representatives of the person effecting the same.

Senator Atlee made the point of order that the amendment was not germane to the section, nor the subject matter in the bill.

Sustained.

By Senator Atlee:

Strike out "two" in line 6, and insert in lieu thereof "one."

By Senator Simpson:

Substitute: Amend section 1, lines 7, 9 and 10, by striking out the word "gross" in said lines, and inserting the word "net" in lieu thereof.

#### HOUSE MESSAGE.

#### HOUSE OF REPRESENTATIVES.

AUSTIN, TEXAS, April 5, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bill to-wit:

House bill No. 286, "An act to provide for the corrections and revisions of the abstracts of located, titled and patented lands in Texas, and lands that appear on the assessor's rolls as belonging to unknown owners."

Passed by two-thirds vote; ayes 87, nays 7.

Respectfully,

GEO. W. FINGER.

Chief Clerk House of Representatives.

After lengthy discussion, on motion of Senator Tips the Senate adjourned to 10 a. m. to-morrow.

#### SEVENTY-FOURTH DAY.

#### SENATE CHAMBER,

AUSTIN, TEXAS, April 6, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

#### PRESENT—27.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	McComb,
Boren,	McKinney
Bowser,	Presler,
Browning,	Shelburne,
Cranford,	Simpson,
Crowley,	Smith,
Dean,	Steele,
Dickson,	Swayne,
Douglass,	Tips,
Greer,	Woods,
Hutchison,	Yoakum.
Jester,	

#### ABSENT—2.

Imboden, Lewis.

#### EXCUSED—2.

Goss, Whitaker.

Prayer by the chaplain, Dr. Briggs, as follows:

Our Father: Make us grateful to Thee for the mighty heritage into which we have come. Through Thy providence and the labors of those who have gone before, we have freedom, truth, peace content, schools, homes, with heaven over all. Teach us so to use as not to abuse it. Above all, may we send it down to posterity not only unimpaired, but augmented